

**REMARKS**

The present application was filed on April 26, 2000 with claims 1 through 24. Claims 1 through 24 are presently pending in the above-identified patent application. Claims 1, 5, 7, 11-13, and 15-24 are proposed to be amended herein.

5 In the Office Action, the Examiner objected to the abstract because it is longer than 150 words and objected to claim 13 because "biometric" should be "biometric information." The Examiner rejected claims 1 and 4-24 under 35 U.S.C. §102(e) as being anticipated by Barrett et al. (United States Patent Number 5,917,835) and rejected claims 1-3 under 35 U.S.C. §102(e) as being anticipated by DeSchrijver  
10 (United States Patent Number 6,311,042).

The present invention is directed to methods and apparatus for transmitting data, such as biometric data or Internet telephone data, in a packet network. Packets are split and interchanged prior to transmission across a packet network, such that packets that reach their destination may be processed, even in the presence of lost or  
15 delayed packets. Packets of biometric data, such as fingerprints, retinal scans or voice characteristics, are split, and optionally interchanged prior to transmission. If some packets are lost or delayed, while some of the packets reach their destination and provide sufficient data for user identification, then the user may be authenticated without requesting the retransmission of the lost or delayed data. Sampled voice packets are split,  
20 and optionally interchanged prior to transmission. If some packets are lost or delayed, while some packets reach their destination, then the received speech samples may be reproduced without requesting the retransmission of the lost or delayed data. A packet splitter splits framed data into a number of packets. For example, the framed data is split into two packets with the first packet containing k frames having odd indexes and the  
25 second packet having k frames having even indexes. If both packets arrive at a destination point, they can be integrated back into the framed data comprised of the continuous string of frames,  $f_1, f_2, f_3, \dots, f_N$ . Otherwise, if a packet was lost or significantly delayed, the data can be recovered from the single received packet using, for example, smoothing techniques, such as spline extrapolation, for the lost packets with  
30 even indexing.

The specification has been amended to correct typographical errors.

Formal Objections

The abstract was objected to because it is longer than 150 words and claim 13 was objected to because “biometric” should be “biometric information.”

5 The abstract has been amended to be less than 150 words in length and claim 13 was amended to change “biometric” to “biometric information.” Applicants therefore respectfully request that the objections to the abstract and claim 13 be withdrawn.

Independent Claims 1, 5, 7, 11, 12 and 15-24

10 Independent claims 1, 5, 7, 11, 12, and 15-24 were rejected under 35 U.S.C. §102(e) as being anticipated by Barrett et al. and claim 1 was rejected under 35 U.S.C. §102(e) as being anticipated by DeSchrijver.

15 Regarding claim 1, the Examiner asserts that Barrett discloses obtaining plural biometric portions from the biometric information (figures 3 and 4: items 62) and asserts that DeSchrijver discloses obtaining several biometric portions from the biometric data (col. 4, lines 20-24).

Applicants note that Barrett is directed to a method and system for mitigating and compensating for loss of digital audio data transmitted as a stream of packets to a client (see, Abstract). Barrett does not address the issue of biometric portions for identifying or verifying a user.

20 Applicants note that DeSchrijver is directed to systems and methods that provide communication systems that allow for the transmission of voice and data over a wireless network (see, Abstract). While DeSchrijver does disclose the input of a signature, DeSchrijver does not address the issue of biometric *portions* for identifying or verifying a user. Independent claims 1, 5, 15, 16, 20, and 21, as amended, require a plurality of biometric portions, wherein one or more of said plurality of biometric portions identifies or verifies said user. Independent claims 7, 11, 12, 17-19, and 22-24, as amended, require wherein said data comprises one or more biometric portions, wherein one or more of said one or more biometric portions identifies or verifies a user.

30 Thus, Barrett and DeSchrijver, alone or in combination, do not disclose or suggest wherein one or more of said plurality of biometric portions identifies or verifies said user, as required by independent claims 1, 5, 15, 16, 20, and 21, as amended, and do

not disclose or suggest wherein said data comprises one or more biometric portions, wherein one or more of said one or more biometric portion identifies or verifies a user, as required by independent claims 7, 11, 12, 17-19, and 22-24, as amended.

Dependent Claims 2-4, 6, 8-10 and 13-14

5 Dependent claims 4, 6, 8-10, and 13-14 were rejected under 35 U.S.C. §102(e) as being anticipated by Barrett et al. and claims 2-3 were rejected under 35 U.S.C. §102(e) as being anticipated by DeSchrijver.

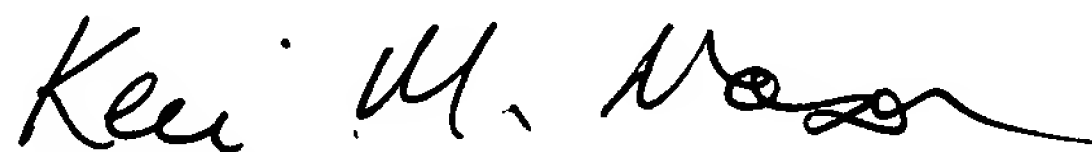
10 Claims 2-4, 6, 8-10 and 13-14 are dependent on claims 1, 5, 7, and 12, respectively, and are therefore patentably distinguished over Barrett et al. and DeSchrijver (alone or in any combination) because of their dependency from amended independent claims 1, 5, 7, and 12 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

All of the pending claims, i.e., claims 1-24, are in condition for allowance and such favorable action is earnestly solicited.

15 If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

20 Respectfully submitted,



Kevin M. Mason  
Attorney for Applicants  
Reg. No. 36,597  
Ryan, Mason & Lewis, LLP  
1300 Post Road, Suite 205  
Fairfield, CT 06824  
(203) 255-6560

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